



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 07-11

- ☒ Preproposal Statement of Inquiry was filed as WSR 07-15-084 ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) This proposal will amend the following two rules to implement Chapter 80.80 RCW in which the 2007 Legislature directed the Department of Ecology to adopt rules by June 30, 2008 to implement and enforce a greenhouse gases emissions performance standard and to establish criteria for evaluating sequestration plans:

- Chapter 173-407 WAC, Carbon Dioxide Mitigation Program for Fossil-fueled Thermal Electric Generating Facilities.
- Chapter 173-218 WAC, Underground Injection Control Program.

Hearing location(s): Department of Ecology hearings are being conducted jointly with the Energy Facility Site Evaluation Council (EFSEC):

Olympia:

Date: April 8, 2008 Time: 6:00 pm
Ecology Headquarters Building, Auditorium
300 Desmond Drive SE
Lacey, WA

Spokane:

Date: April 10, 2008 Time: 6:00 pm
Spokane County Public Health Center
1101 W. College Ave., Room 140
Spokane, WA

Submit written comments to:

Name: Nancy Pritchett
Address: P.O. Box 47600
Olympia, WA 98504-7600
e-mail: npri461@ecy.wa.gov
fax (360)407-7534 received by (date) 5:00 PM April 18, 2008

Assistance for persons with disabilities: Contact

Tami Dahlgren at (360) 407-6800 by April 1, 2008

If you have a hearing loss, call 711 for Washington Relay Service.
If you have a speech disability, call (877) 833-6341.

Date of intended adoption: June 16, 2008

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to adopt, as directed in Chapter 80.80 RCW, a greenhouse gases emissions performance standard for baseload electric generation and establish criteria to implement and enforce the emissions performance standard. The proposal will:

- 1) Amend Chapter 173-407 WAC to modify the title to reference the greenhouse gases emissions performance standard; add new sections to implement and enforce the greenhouse gases emissions performance standard for baseload electric generation, as directed in Chapter 80.80 RCW; and make minor corrections to existing rule language implementing Chapter 80.70 RCW.
- 2) Amend Chapter 173-218 WAC to include permitting requirements for the permanent geologic sequestration of CO₂ as a method for meeting the greenhouse gases emissions performance standard. The purpose of the proposed amendments is to protect ground water and public health and safety from contamination due to geologic sequestration of CO₂.

Reasons supporting proposal: Executive Order 07-02 established goals for the statewide reduction of greenhouse gases emissions within Washington over the next several decades as one of the methods of addressing climate change. These emissions reductions goals were also adopted within ESSB 6001 and codified in Chapter 80.80 RCW. The Legislature passed Chapter 80.80 RCW in 2007 with the intent to establish statutory goals for statewide reductions in greenhouse gases emissions and to authorize immediate actions in the electric power generation sector for the reduction of greenhouse gases emissions. RCW 80.80.040 directed the Department of Ecology to adopt rules by June 30, 2008 to implement and enforce a greenhouse gases emissions performance standard and to establish criteria for evaluating sequestration plans. The proposed rules satisfy the statutory requirements under Chapter 80.80 RCW. These proposed rules also support the goals of Executive Order 07-02 by beginning to address the impacts of climate change in Washington.

Statutory authority for adoption: ESSB 6001, codified as Chapter 80.80 RCW

Statute being implemented: Chapter 80.80 RCW

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

DATE 2/22/08

NAME (type or print)
Polly Zehm

SIGNATURE

TITLE
Deputy Director, Department of Ecology

CODE REVISER USE ONLY

CODE REVISER'S OFFICE STATE OF WASHINGTON FILED	
FEB 22 2008	
TIME	1:50 PM
WSR	08-06-021

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Department of Ecology Air Quality Program and Water Quality Program

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Nancy Pritchett	Lacey, WA	(360) 407-6082
Implementation..... Nancy Pritchett	Lacey, WA	(360) 407-6082
Enforcement..... Nancy Pritchett	Lacey, WA	(360) 407-6082

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Cathy Carruthers
Address: Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

phone (360) 407-6564
fax (360) 407-6989
e-mail caca461@ecy.wa.gov

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes. A preliminary cost-benefit analysis may be obtained by contacting:

Name: Cathy Carruthers
Address: Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
phone (360) 407-6564
fax (360) 407-6989
e-mail caca461@ecy.wa.gov

☐ No: Please explain: